

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-7521**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAY BONANZA BRILEY,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Liam O'Grady, District Judge. (1:12-cr-00482-LO-1)

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Submitted: January 14, 2016

Decided: January 20, 2016

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Before AGEE, WYNN, and FLOYD, Circuit Judges.

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Affirmed in part, dismissed in part by unpublished per curiam opinion.

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Jay Bonanza Briley, Appellant Pro Se. Kellen Sean Dwyer, Rosie Haney, David Sang Hak Lee, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jay Bonanza Briley seeks to appeal the district court's order denying relief on his Fed. R. Crim. P. 33 motion for a new trial and denying relief on his 28 U.S.C. § 2255 (2012) motion, as well as denying his motion for reconsideration. We grant Briley's motions for leave to file an addendum to his informal brief, for an extension of time to file a reply brief, and to add a supplement to his reply. We affirm in part and dismiss in part.

With regard to Briley's appeal of the district court's denial of his motion for a new trial, we have reviewed the record and find no reversible error. Accordingly, while we grant leave to proceed in forma pauperis, we affirm for the reasons stated by the district court. See United States v. Briley, No. 1:12-cr-00482-LO-1 (E.D. Va. filed July 22, 2015; entered July 23, 2015 and Sept. 14, 2015).

Turning to the denial of § 2255 relief, the order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B) (2012). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2012). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. Slack v. McDaniel,

529 U.S. 473, 484 (2000); see Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the motion states a debatable claim of the denial of a constitutional right. Slack, 529 U.S. at 484-85.

We have independently reviewed the record and conclude that Briley has not made the requisite showing. Accordingly, we deny Briley's motions for appointment of counsel and for summary judgment, deny a certificate of appealability, and dismiss this portion of the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED IN PART; DISMISSED IN PART